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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

**RWS**

DONALD E. WILLIAMS, )

Plaintiff, )

v. )

OCWEN LOAN SERVICING )  
LLC and SAXON MORTGAGE, )  
INC., )

Defendants. )

CIVIL ACTION

FILE NO. \_\_\_\_\_

**1:10-CV-0740**

**NOTICE OF REMOVAL TO FEDERAL COURT**

TO: Honorable Judges of the United States District Court for the  
Northern District of Georgia, Atlanta Division

Defendants Ocwen Loan Servicing, LLC ("Ocwen") and Saxon  
Mortgage, Inc. ("Saxon") notify the Court pursuant to 28 U.S.C. § 1441  
that it has this day removed this action from the Superior Court of the State  
of Georgia for DeKalb County to this Court. In support of their removal,  
Ocwen and Saxon submit this notice. Removal is based on diversity  
jurisdiction because there is complete diversity between plaintiffs and all  
relevant defendants and the amount in controversy exceeds \$75,000.

### **BACKGROUND**

1. This action was originally filed in the Superior Court of DeKalb County on February 5, 2010. A copy of the complaint and all process, pleadings, and orders served upon Ocwen are attached hereto as **Exhibit 1**.

2. Ocwen and Saxon were served with process on February 10, 2010. This removal is therefore timely because it has been filed within 30 days of service as required by 28 U.S.C. § 1446.

3. This action is removable to federal court pursuant to 28 U.S.C. § 1441 because it could have been filed originally in this Court pursuant to the diversity jurisdiction conferred by 28 U.S.C. § 1332.

### **DIVERSITY JURISDICTION**

4. Federal diversity jurisdiction exists over this removed action pursuant to 28 U.S.C. § 1332 because all relevant parties are diverse and the amount in controversy exceeds \$75,000.

5. There is diversity of citizenship among all relevant parties. Plaintiff Donald Williams is a resident and citizen of Georgia. (Complaint ¶ 4).

6. Ocwen is a citizen of Florida. Ocwen Loan Servicing, LLC is a limited liability company. For diversity purposes, "a limited liability

company is a citizen of any state of which a member of the company is a citizen." *Rolling Greens MHP, L.P. v. Conicast SCH Holdings, LLC*, 374 F.3d 1020, 1022 (11th Cir. 2004). The sole member of Ocwen Loan Servicing, LLC is Ocwen Financial Corporation. Ocwen Financial Corporation is incorporated under the laws of Florida with its principal place of business in Florida and thus, Ocwen Financial Corporation is a citizen of Florida.

7. Saxon is a Virginia Corporation, whose principal place of business is located in Texas.

8. Because (1) Plaintiff is a citizen of Georgia, (2) Ocwen is not a citizen of Georgia, (3) and Saxon Mortgage is not a citizen of Georgia, there is complete diversity between Plaintiff and all relevant defendants in this matter. See 28 U.S.C. § 1332.

9. Plaintiff's complaint also meets the \$75,000 amount-in-controversy requirement for diversity jurisdiction. See 28 U.S.C. § 1332(a).

10. As noted above, Plaintiff asserts claims for breach of contract, alteration of contract, usury, and racketeering. Plaintiff seeks damages in excess of \$185,250.00. (Complaint ¶ 15).

11. Accordingly, the amount in question is in excess of \$75,000.

**VENUE**

12. Venue for removal is proper in this district and division under 28 U.S.C. § 1441(a) because this district and division embrace the Superior Court of the State of Georgia for Dekalb County, the forum in which the removed action was pending.

**NOTICE**

13. Concurrently with the filing of this Notice, Ocwen will file a copy of this Notice of Removal with the Clerk of the Superior Court of the State of Georgia for DeKalb County.


14. The contents of Exhibit 1 constitute the entire file of the action in the Superior Court of the State of Georgia for Dekalb County.

15. Notice to the Superior Court of Dekalb County, Georgia, which includes a duplicate of this Notice of Removal to Federal Court, is being filed with the Clerk of the Superior Court of Dekalb County, Georgia as provided by 28 U.S.C. § 1446(d). A copy of this Notice is attached as **Exhibit 2**.

16. Written notice of the filing of this Notice of Removal will be sent to Plaintiff, the only adverse party, as provided in 28 U.S.C. § 1446(d). A copy of this notice is attached as **Exhibit 3**.

WHEREFORE, the Defendants pray that the Complaint filed by Plaintiff in the Superior Court of DeKalb County, Georgia be removed to this Court.

Respectfully submitted this 12<sup>th</sup> day of March, 2010.

  
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